

GEORGE B. CALDWELL, ADMINISTRATOR.

LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS,
TRANSMITTING A COPY OF THE FINDINGS FILED BY THE COURT
IN THE CASE OF GEORGE B. CALDWELL, ADMINISTRATOR,
AGAINST THE UNITED STATES.

JANUARY 9, 1902.—Referred to the Committee on War Claims and ordered to be
printed.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, January 8, 1902.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the House of Representatives under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. DAVID B. HENDERSON,
Speaker of the House of Representatives.

[Court of Claims. Congressional case No. 9954. George B. Caldwell, administrator of Hamlin Caldwell, deceased, v. The United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies, or stores, alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by resolution of the House of Representatives, on the 15th day of February, 1899, under the act of March 3, 1887, known as the Tucker Act.

The case was brought to a hearing on its merits on the 5th day of February, 1901. Gilbert Moyers, esq., appeared for claimant, and the Attorney-General, by John G. Capers, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The claimant in his petition makes the following allegations:

That he is a citizen of the United States, residing in Jackson County, State of Alabama, where decedent resided during the late war of the rebellion; that at different times during said period the United States forces by proper authority took from said decedent quartermaster stores and commissary supplies of the value of \$18,966, and appropriated the same to the use of the United States Army, as follows:

Taken from Bellefonte Island by troops under Captain Allen in December, 1863:

26 hogs, 200 pounds net each, 5,200 pounds, at 8 cents.....	\$416
3,000 bushels corn, at \$1 per bushel.....	3,000
15 horses and mules, at \$130 each	1,950

Total taken from Bellefonte Island	5,366
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Taken from Bellefonte:

1 storehouse	800
1 office	100
1 dwelling	500
1 warehouse	200

Total	1,600
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Taken from "Home" place:

25 head of stock cattle, at \$15	375
2 yoke of oxen, at \$70	140
6 horses, at \$125	750
100 hogs, at \$5	500
30 hogs, at \$15	450
2,000 bushels corn, at \$1	2,000
75,000 rails, at \$3 per hundred	2,250

Total taken from "Home" place.....	6,465
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Taken from the "Hawk" place:

18 horses, at \$125	\$2,250
3,000 bushels of corn, at \$1	3,000
15,000 pounds bacon, at 20 cents	3,000
1,160 bushels wheat, at \$1.50 per bushel	1,740
100 stock hogs, at \$5	500
20 head of cattle, at \$15	300
4 yoke of oxen, at \$70	280

Total taken from "Hawk" place.....	11,070
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One-half of total valuation of property taken from "Hawk" place, claimant's interest.....	5,535
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Taken from Bellefonte Island	5,366
Taken from Bellefonte	1,600
Taken from "Home" place.....	6,465
Taken from "Hawk" place, claimant's share.....	5,535

Total	18,966
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The court, upon the evidence, and after considering the briefs and argument of counsel on both sides, makes the following

FINDINGS OF FACT.

I. Claimant's decedent, Hamlin Caldwell, was loyal to the United States throughout the war for the suppression of the rebellion.

II. There were taken from the claimant's decedent in Jackson County, State of Alabama, during the war of the rebellion, by the military forces of the United States for the use of the Army, stores and supplies of those hereinbefore described, which at the time and place of taking were reasonably worth the sum of ten thousand seven hundred and sixty-four dollars (\$10,764). It does not appear that any payment has been made therefor.

III. The claim was not presented to the Commissioners of Claims under the act of March 3, 1871, and is consequently barred under the provisions of the act of June 15, 1878 (20 Stat. L., 550, sec. 5). No evidence has been offered by the claimant under the act of March 3, 1887 (24 Stat. L., 505, sec. 14), "bearing upon the question whether there has been delay or laches in presenting such claim or applying for such

grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy."

BY THE COURT.

Filed June 3, 1901.

A true copy.

Test this 4th day of January, 1902.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

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